

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 1:18-CR-10450-MLW
)	<i>under seal</i>
ELISEO VAQUERANO CANAS,)	REDACTED
&)	
JONATHAN TERCERO YANES)	
&)	
HENRI SALVADOR GUTIERREZ)	
Defendants)	

[FILED UNDER SEAL ORDERED OCTOBER 5, 2020]

**DEFENDANTS JONATHAN TERCERO YANES & ELISEO VAQUERANO CANAS &
HENRI SALVADOR GUTIERREZ JOINT, ASSENTED-TO MOTION TO EXTEND
FILING DEADLINES**

Jonathan Tercero Yanes, Eliseo Vaquerano Canas, Henri Salvador Gutierrez, defendants in the above-captioned matter, respectfully move this Honorable Court to extend current deadlines for the filing of substantive motions in this matter. As grounds therefor, as set forth in the attached affidavit of counsel, the additional time is necessary to ensure all matters are fully-briefed for the Court, to permit the United States adequate time to reply to any motions filed, [REDACTED]

At (or shortly after) a hearing on August 17, 2020, the Court set various deadlines for the filing of substantive motions. These motions applied to specific motions, such as a Motion for a Bill of Particulars, and more generally, any motion to suppress, to dismiss, and *in limine*.

At various points in August and September, each party has moved and been permitted additional time:

- Mr. Duggins was ordered to seek additional time on or before August

20, 2020 to file his Motion to Exclude Hearsay. He did so and was ordered to file that motion by September 4, 2020. (see Dkt 324, 325, 334).

- A deadline for most other motions governed by the Order was set for September 30, 2020.
- Mr. Salvador-Gutierrez was granted an extension to October 8, 2020. (Dkt. 330)
- Mr. Duggins was granted an extension to October 8, 2020. (Dkt. 336)
- The United States sought adjusted deadlines, including—with assent of Mr. Yanes and Mr. Canes—to advance the defendants’ filing deadline from September 30 to September 25 for a specific motion. (Dkt. 344). That request was granted. (Dkt. 345).
- Messrs. Yanes and Canes filed, together with the Motion, a Motion for Leave to File Late and Amend Briefing Scheduling from Friday September 25 to Monday September 28, 2020. (Dkt . 351). That request was granted (Dkt. 355)
- The previously scheduled October 14, 2020 hearing date for these motions was addressed in the United States’ request found at Docket 344. (“The government recognizes that this briefing will likely not give the Court sufficient time to review all of the filings in advance of the current October 14, 2020 hearing date...the government defers to the Court on when in October 2020 the Court may wish to hold the hearing on this issue.”)

- The Court's Order (Dkt. 345) did not address this issue but allowed the motion. As such, it is unclear whether the Court intends to proceed with a hearing on the various motions on October 14, 2020.

All counsel have diligently and collaboratively worked on the production of well-developed legal and factual arguments. These efforts are, of course, frustrated by the COVID-19 pandemic and its impact on client communication and attorney collaboration. In addition, unexpected developments on the part of the United States and certain defendants have further distracted the effort. Internet connectivity issues have briefly compromised Mr. Gutierrez's ability to produce documents. [REDACTED]

[REDACTED]

[REDACTED]

For these reasons, supported and expanded by the attached affidavit, the Court should extend or amend the schedule in this matter as follows:

1. All defense Motions *in Limine*, Motions to Suppress, Motions to Dismiss and other substantive motions capable of being filed shall be filed by November 2, 2020.
2. Any United States opposition shall be filed by November 12, 2020.
3. Any defense reply shall be filed by November 19, 2020.
4. The Court may order a hearing date following November 19, 2020 for argument.

For the foregoing reasons, it is in the interests of justice to allow Messrs. Yanes and Canes's motion for leave to file the forthcoming Motion to Extend Filing Deadlines and Briefing Schedule for additional Motions. This motion is brought by Mr. Yanes, Mr. Canes, and Mr. Salvador-Gutierrez. It is assented-to by the United States. It is objected to—to the extent it seeks to delay hearing or could impact the trial date—by Mr. Duggins.

Respectfully Submitted,
ELISEO VAQUERANO CANAS
By his attorney:

/s/ Jessica Hedges
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Respectfully Submitted,
HENRI SALVADOR GUTIERREZ
By his attorney:

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Respectfully Submitted,
JONATHAN TERCERO YANES
By his attorney:

/s/ Leonard E. Milligan III
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CERTIFICATE OF SERVICE

I, Leonard E. Milligan III, hereby certify that on this 5th day of October, 2020, I served one true and correct copy of this motion, through the electronic filing system, on all counsel of record in this matter.

/s/ Leonard E. Milligan III
Leonard E. Milligan III

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**AFFIDAVIT OF COUNSEL IN SUPPORT OF DEFENDANTS JONATHAN
TERCERO YANES, ELISEO VAQUERANO CANAS, AND HENRI SALVADOR
GUTIERREZ'S JOINT, ASSENTED-TO MOTION TO EXTEND FILING
DEADLINES**

I, Leonard E. Milligan III, do hereby state the following is true:

1. I am counsel for Jonathan Tercero Yanes.
2. I have worked closely with Jessica Hedges, counsel for Eliseo Vaquerano Canes, to jointly draft motions of common interest to our clients.
3. One such motion (Motion to Exclude the Coconspirator Statements) has been filed under seal with leave of the Court.
4. [REDACTED]
[REDACTED]
[REDACTED]
5. We tried in earnest to complete the task by the accelerated (September 25) deadline, but ultimately, we filed on September 28, 2020. This Court allowed our motion to permit that late filing. (Dkt. 355)
6. One reason for the delay in filing was that our motion relied on facts we anticipated

would be filed by Mr. Salvador-Gutierrez in the form of an affidavit. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. We are seeking to avoid additional (and unnecessary) editorial gymnastics in forthcoming motions to accommodate the differing filing deadlines.
8. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
9. [REDACTED]
[REDACTED]
[REDACTED]
10. Counsel for Henri Salvador-Gutierrez has recently been engaged in unexpected litigation within this matter, of which the Court is aware, that has distracted his efforts.
11. Counsel for Mr. Salvador-Gutierrez has additionally been impeded by an internet connectivity issue which spoiled time necessary for authoring of pleadings.
12. AUSA Pasricha has assented to this motion.
13. Counsel for Javier Duggins does not object an extended deadline for the filing co-defendants motions. **He does object to any delay in the hearing on these motions or trial, as a consequence of this motion.**
14. Counsel understands the unique scheduling challenges presented by continuous motions practice seeking modest adjustments. The deadlines selected are informed by our good-faith belief that no further changes to deadlines will be needed.

15. Counsel does not believe the delay in the filing or hearing of these motions will cause delay in the February 1, 2021 trial date.

I swear the above is true under the pains and penalties of perjury on this 5th day of October, 2020.

/s/ Leonard E. Milligan III
Leonard E. Milligan III